

PLEASE COME

A meeting was held July 27 by Newland Communities to present the plan for the Retail Section of the Clarksburg Town Center. This meeting was well attended by the community and opposition to the plan was overwhelming. Newland Communities has stated that they "want to work with the community" and they "got the message that people are unhappy".

You are invited to attend a meeting where we will collectively gather ideas and suggestions as well as voice our concerns with regards to the design of the retail portion of the Town Center. This meeting will only be open to the people who live in the Clarksburg Town Center community.

We will address the following:

- The master plan for Clarksburg Town Center and the fundamental rules of a traditional neighborhood.
- The Clarksburg Town Center special district tax
- Restoring the size of the retail/office space to allow for more professional services (medical/dental offices), restaurants and quality retail services.
- Removing the two four story multi-family dwelling units.
- Redesigning the big box, strip mall design that was presented.
- Creating the pedestrian friendly, neo traditional retail town center as originally promised and marketed.

The meeting will be held Wednesday, August 4, 2004 at 7:00 p.m. at the Hyattstown Fire Department located at 25801 Frederick Road (Rt. 355), 2nd Floor.

Directions: North on Rt. 355 (Frederick Road) to the intersection of Hyattstown Mill Rd. The firehouse is on the right. Enter 2nd floor from outside stairs on the backside of the fire station.

PREPARED JULY 29
FOR AUGUST 4 MEET.

Clarksburg Town Center (CTC) Advisory Committee
August 4, 2004
Minutes of Meeting

A meeting of concerned residents/citizens was held to discuss Newland Communities proposal to alter the original design of the Town Center retail section as reflected in the Master Plan. The meeting was opened by Kim Shiley and Carol Smith who solicited volunteers to form an Advisory Committee.

The following points were shared:

- We believe Regency Centers now owns the retail center land.
- A plan for a strip mall including a large parking lot and condominiums has been submitted to the Park and Planning Commission. This plan does not reflect the pedestrian/community-friendly Town Center contained in the original Master Plan nor does it reflect the main street concept of earlier plans.
- Many residents voiced their opposition to the change – stating that they were under the impression when they purchased their homes that a Town Center was to be the focal point of the community and the hub of Clarksburg.
- Wynn Witthans of the Park and Planning Committee has voiced concerns about the revised plans and has indicated a desire to work cooperatively with our Advisory Committee.
- Newland Communities has indicated a willingness to work with residents.
- Regency prefers working with Giant. We believe Giant dictates the design of the retail area.
- Harris Teeter has stated they are flexible and adaptable with designing an area to meet the consumer's needs/interests.
- It is unclear whether either Safeway or Harris Teeter was ever approached to be the anchor store.
- The issue regarding the liability of Newland to adhere to the design of the master plan was discussed. An attorney and community resident stated that the community might have an option under the Consumer Protection Act and that we the community might have the right to sue Newland Communities if it can be proven that they misrepresented their intentions in their advertisements.
- It was suggested that residents hold on to all documents that were provided/collected when they purchased their homes. Barbara Geshwind has volunteered to collect this information. Her contact information is 301-916-2412 waveleteer@aol.com.
- Newland Communities has stated that the Master Plan was offered as a guide and that it is subject to change.

ACTIONS:

- An Advisory Committee was formed in an attempt for residents to join forces, to share talents and resources, and to conduct research and formulate a cohesive plan

of action to advise Newland Communities to follow through with the original design of the retail center.

- The CTC Advisory Committee will meet weekly beginning Wednesday, August 11, 2004, at 7:30 p.m. at the Hyattstown Fire Station.
- The following residents have volunteered and were selected to be members of the CTC Advisory Committee:

Jeff Lunenfeld
Amy Presley
Susan Frimond
Dennis Learner
Ken Bullough
Niren Nagda
Jerry and Regie Barbour
Randy DeFrehn
Lynn Fantle
Jen Jackman
Carol Smith
Kim Shiley
Carolyn McAllister
Tim DeArros
Joel Richardson *
Mark Murphy *

- In addition, two subcommittees were formed to conduct research and to design a petition and a survey.
- The following residents have volunteered and selected to be members of the subcommittee: Charlotte Fedders, Karen Beauregard, Brett Reilly, Jacquelyn Polder and Carol Smith.
- A meeting has been scheduled for the Advisory Committee to meet with representatives from Newland Communities, Regency Centers and separately with Wynn Witthans of the Park and Planning Commission. The meeting with the developers will take place in the later part of the week of August 23.

Carolyn McAllister
Revised - 8/12/04

* INADVERTENTLY LEFT OFF OF LIST BY CAROLYN
(EXPRESSED DESIRE TO BE ON COMMITTEE, BUT
NOT CONFIRMED UNTIL 8/11/04 MEETING.)

Su **Clarksburg Town Center**
Da 7/28/2004 12:32:21 PM Eastern Daylight Time
Frc smithc@efdb.nci.nih.gov
To Rmsjohnson@hotmail.com, Damonsteele@comcast.net, Synergiesinc@aol.com, Susan@mris.Jersub13@yahoo.com, Rdefrehn@nccmp.org, Shanagan@comcast.net, [L-jhunt@mindspring.c](mailto:L-jhunt@mindspring.com),
Jjackman@wtplaw.com, Cariandjeff@comcast.net, Glanyard@comcast.net, Amcwil228@aol.cc
CC shileyk@mail.nih.gov

Sent from the Internet ([Details](#))

Hi

I am compiling a list of people from the meeting last night who are interested in forming an alliance to make sure Newland Communities builds a retail center that follows the concept that was presented to us when each of us bought into the Clarksburg Town Center. We have a financial interest in this as well as the developers. If you are interested in keeping informed or joining the committee to represent the community please email me with your name, address, email address and phone numbers. We will need to collect our concerns, ideas and suggestions in order to present them to the County Planning Board, Newland Communities and Regency Centers.

Speak to your neighbors. There were many people there last night who did not get the chance to sign up. A strong showing of support from our community is needed.

Carol Smith
Kimberly Shiley

Su **Meetings: 8/8 and 8/11**
Da 8/7/2004 9:37:18 AM Eastern Daylight Time
Frc carolmca@yahoo.com
To barbourjr@att.net, kbullough@mosiactileco.com, rdefrehn@nccmp.org, lfantle@aol.com,
susan@mris.com, jjackman@wtplaw.com, dennis@dlearner.com, cariandieff@comcast.net,
nnagda@energenconsulting.com, synergiesinc@aol.com, shileyk@mail.nih.gov,
smithcar@mail.nih.gov

Sent from the Internet (Details)

Hi to all! I have assumed the responsibility of taking the minutes for the Advisory Committee. My name is Carolyn McAllister (I was present at the meeting this past Wednesday - collecting everyone's names and emails). I am a special educator with MCPS.

Kim has called an urgent meeting to be conducted on 8/8 at 4:00 p.m. (this to be in addition to the one scheduled for Wednesday, 8/11). Kim will host the meeting in her house:

13021 Ebenezer Chapel (Kim: I don't have your home phone number to include for the RSVPs)

The purpose of this meeting is to review the staff report that has been already approved by the Parks and Planning Commission. Please accept our apologies for the short notice, and please try to attend.

A second meeting has been scheduled as a follow-up to this past Wednesday's meeting. This meeting will be on 8/11 @7:30 p.m. at the Hyattstown Fire House.

Thanks in advance to all for your cooperation and support.

Carolyn A. McAllister
12819 Clarks Crossing Drive
240-235-4175

Su **RE: Petition**
Da 8/10/2004 7:56:13 AM Eastern Daylight Time
Frc shileyk@mail.nih.gov
To Synergiesinc@aol.com
Sent from the Internet (Details)

thanks amy,

i will forward to all today; looks good to me

we are scheduled to meet with nellie at 1000; have you been able to get in touch with john carter? would you like to go with us and perhaps speak with him and i'm sure we can use your help in digging through materials with nellie?? i also want to track down approved zoning for Falls Grove and Trivella (sp?) and see if they are in the optional development method like us.

thank you too for your changes to the petition...your language flows much better.

kim

-----Original Message-----

From: Synergiesinc@aol.com [mailto:Synergiesinc@aol.com]
Sent: Monday, August 09, 2004 6:55 PM
To: Shiley, Kimberly (NIH/NCI)
Subject: Re: Petition

Hello, Kim.

I have attached the draft agenda for your review and comment. Please make any changes you see fit and send when you are ready.

Thanks much,
Amy

ps Let me know if you need or would like my assistance at your Wednesday Parks and Planning meeting or in the interim.

Su **RE: Petition**
Da 8/10/2004 10:35:04 AM Eastern Daylight Time
Frc shileyk@mail.nih.gov
To Synergiesinc@aol.com
Sent from the Internet (Details)

hi amy,

yes, i was thinking it would be helpful for you to plan to come. i also forward email from jen to you as we will need to look for specifics

kim

-----Original Message-----

From: Synergiesinc@aol.com [mailto:Synergiesinc@aol.com]
Sent: Tuesday, August 10, 2004 9:51 AM
To: Shiley, Kimberly (NIH/NCI)
Subject: Re: Petition

Hi, Kim.

Haven't had the chance to talk with John Carter, but planned on doing so today. Perhaps it would be better though to join you all and get him in person? Let me know what you think. I can either call today and request his time tomorrow....or surprise him. As for timing and digging through papers, happy to oblige!

Amy

Su **FW: Petition**
Da 8/10/2004 10:36:41 AM Eastern Daylight Time
Frc shileyk@mail.nih.gov
To Synergiesinc@aol.com
CC jjackman@wtplaw.com
Sent from the Internet (Details)

adding amy to this string.

-----Original Message-----

From: Jackman, Jennifer S. [mailto:JJackman@wtplaw.com]
Sent: Tuesday, August 10, 2004 9:01 AM
To: Shiley, Kimberly (NIH/NCI)
Subject: RE: Petition

Do you want to call me? (202) 659-6794

-----Original Message-----

From: Shiley, Kimberly (NIH/NCI) [mailto:shileyk@mail.nih.gov]
Sent: Tuesday, August 10, 2004 8:55 AM
To: Jackman, Jennifer S.
Subject: RE: Petition

newland and P&P are expecting that we will be meeting with all parties the week of the 23rd; in fact the 26th is at the request of wynn withhans. however, the folks that met on sunday felt that perhaps at this point we should only meet with newland. why is it that the land lawyer feels it's a good idea to meet with P&P on the 26th too? we have some concerns about alliances at this point. i can give you specifics later kim

-----Original Message-----

From: Jackman, Jennifer S. [mailto:JJackman@wtplaw.com]
Sent: Tuesday, August 10, 2004 8:04 AM
To: Shiley, Kimberly (NIH/NCI)
Subject: RE: Petition

Great. Unfortunately I have a meeting in DC at 11. Try to find out the exact application that has been filed. (ie., change to master plan, subdivision plan, etc.) Depending on what you find out, we may need to change the draft letter accordingly.

Also, when I spoke with this land use lawyer, he thought it could be a good thing to have park and planning attend the Aug 26 meeting. However, I don't know if we should change our minds now - - maybe we can have them at the next meeting, assuming there is one.

-----Original Message-----

From: Shiley, Kimberly (NIH/NCI) [mailto:shileyk@mail.nih.gov]
Sent: Tuesday, August 10, 2004 8:01 AM
To: Jackman, Jennifer S.
Subject: RE: Petition

hi jen

a few of us are going to park and planning tomorrow. i will determine the exact application while there...thanks for asking in this manner (i know it's important). i will email you tomorrow afternoon with the info. we are meeting at P&P at 1000. kim

-----Original Message-----

From: Jackman, Jennifer S. [mailto:JJackman@wtplaw.com]

Sent: Tuesday, August 10, 2004 7:47 AM

To: Shiley, Kimberly (NIH/NCI)

Subject: RE: Petition

Kim:

I spoke with a reputable land use attorney yesterday to get some feedback and a general idea of what to expect in this process. Can you tell me what the application is for that was just submitted? I need the exact wording because they are terms of art and each different application carries a different process with different procedures. The draft letter refers to a change to the Master Plan. Is that the exact application?

Thanks

Su **Wednesday**
Da 8/10/2004 11:08:55 AM Eastern Daylight Time
Frc smithc@efdb.nci.nih.gov
To Synergiesinc@aol.com
CC shileyk@mail.nih.gov
Sent from the Internet (Details)

Hi Amy

I just got off the phone with Kim. She said you want to go to Park and Planning with us tomorrow. That's great. I am going to pick Kim up at 7:30 and we are going to grab some breakfast and work on what we need to accomplish at the meeting Wed. night. Do you think you can come with us or is that too early? We can work around your schedule too but have to be at Park and Planning by 10:00. We both took the day off.

I also just spoke with Doug Duncan's office again. I'll tell you all about it tomorrow but the good news is that Nellie at Park and Planning's boss Sue Edwards is now involved. She is the person in charge of planning for the entire I270 corridor. She told Newland the plan would not be submitted even in September. She will also be at the meeting on the 26th with Newland, Regency, our group and Nancy Hislop from Duncan's office.

I also spoke with the Clarksburg Historic Society yesterday. We have alot of friends.

*Carol Leigh Smith
EFDB/NCI/NIH
301-435-5215*

Su **RE: Wednesday**
Da 8/10/2004 11:15:04 AM Eastern Daylight Time
Frc smithc@efdb.nci.nih.gov
To Synergiesinc@aol.com
Sent from the Internet (Details)

Don't mind? We want you to. That's great. I can pick you up too.

-----Original Message-----

From: Synergiesinc@aol.com [<mailto:Synergiesinc@aol.com>]

Sent: Tuesday, August 10, 2004 11:12 AM

To: Smith, Carol Leigh (NIH/NCI)

Subject: Re: Wednesday

Wow...excellent news all around. I would be happy to join you for breakfast and discussion pre-meeting. If you don't mind my joining you, I can meet you both at Kim's at 7:30.

Thanks,

Su **RE: Petition**
Da 8/10/2004 11:38:55 AM Eastern Daylight Time
Frc shileyk@mail.nih.gov
To Synergiesinc@aol.com
CC smithc@efdb.nci.nih.gov, jjackman@wtpaw.com
Sent from the Internet (Details)

greetings,

just spoke to carol

she just spoke to Nancy Hislip, rep for Clarksburg with Doug Duncan's office. They are very much aware of what is going on and have spoken to Newland. Nancy plans on being at the meeting on the 26th and so is Sue Edwards from Park and Planning (she is in charge of the I270 plans). Sue has told Newland that they will not be able to submit anything to P&P in September as previously planned. It sounds as if we have a lot of support for our concerns.

amy, could you meet carol and me for breakfast at 0730 before going to P&P? i think we'll probably try to talk with Sue Edwards tomorrow too.

kim

Su **RE: Petition**
Da 8/10/2004 11:45:27 AM Eastern Daylight Time
Frc shileyk@mail.nih.gov
To Synergiesinc@aol.com
Sent from the Internet (Details)

i just realized that carol had asked and everything is in place.

see you tomorrow

;))

Su **Re: Petition**
Da 8/10/2004 4:25:41 PM Eastern Daylight Time
Frc [Lfantel](#)
To smithc@efdb.nci.nih.gov, shileyk@mail.nih.gov, carolmca@yahoo.com, barbourjr@att.net, kbullough@mosiactileco.com, rdefrehn@nccmp.org, susan@mris.com, jjackman@wtpaw.com, dennis@dlearner.com, cariandieff@comcast.net, nnagda@energenconsulting.com, [Synergiesir](#)
Fil [petitionwithchanges3.rtf](#) (6537 bytes) DL Time (TCP/IP): < 1 minute

Hi everyone,

The petition looks great. I agree we should send from the group.

I propose a few minor edits, in blue.

Lynn Fantel

CLARKSBURG TOWN CENTER
ADVISORY COMMITTEE MEETING AGENDA

Date: August 11, 2004

Location: Hyattstown Fire House

Time: 7:30pm

Agenda:

- Update on current status
 - Review of communications with Newland (post 7/27 meeting)
 - Review of 8/4 advisory member meeting notes
 - Confirmation of anticipated meeting date(s) – Newland / Park & Planning Commission

- Review of Town Center Plan materials gathered by Kim/Carol
 - Overview of information gathered/sources
 - Brief discussion on variations in plans from 1995 to 1997 and 2002
 - Brief discussion on implications of changes
 - Brief discussion on Day Care Center/Reduction of green space

- Meeting Planning
 - Determine objectives for Newland meeting
 - Agree on outline for meeting presentation
 - Determine next steps and action items for presentation preparation

- Review and final approval of petition letter
 - Determine action for gathering signatures

- “Vote-in”/Confirm Kim and Carol as Co-Chairs for the Advisory Committee

Clarksburg Town Center (CTC) Advisory Committee
August 11, 2004
Minutes of Meeting

The CTC Advisory Committee held their first "official" meeting on 8/11/04.

The following Committee members and residents were in attendance: Jeff Lunenfeld, Amy Presley, Susan Frimond, Dennis Learner, Ken Bullough, Niren and Jaya Nagda, Jerry and Regie Barbour, Randy DeFrehn, Lynn Fantle, Jen Jackman, Carol Smith, Kim Shiley, Carolyn McAllister, Tim DeArros, Tricia Larade, Frank and Rachel Johnson, Joel Richardson, and Mark Murphy.

The meeting was opened by Kim Shiley, who presented the original (and approved) Master Plan and Project Plan architectural drawings of the Town Center. The Site Plan drawing was also discussed, and it appears that it might have been approved with slight changes to the recreational area near the Town Center.

Amy Presley provided a summary of the meeting she, Carol Smith, and Kim Shiley attended with John Carter of the Montgomery County Parks and Planning Department -- who is Chief, Community Based Planning Division, M-NCPPC and was involved with the plan from concept. Mr. Carter told our CTC Advisory Committee reps that Newland Communities' altered Site Plan was not in compliance with either the Master Plan or the Project Plan. Mr. Carter further indicated that in the event that the revised Site Plan has been approved already, "it can be overturned."

Mr. Carter offered his full support and stated he would be willing to attend the meeting with Newland Communities on 8/26/04.

Discussions:

- The original Project Plan was approved by Parks & Planning March 26, 1996, with only three waivers:
 1. easements
 2. additional on-street parking
 3. reduce setbacks/boundary lines
- The Statute of Ordinance requires developers to stick with the Master Plan (the conditions outlined within the Project specifically state that the development must align with the Master Plan).
- The Zoning Code Book was reviewed, and it supports the Master Plan.
- Bozzutto's completed buildings might be in violation of the measurement stipulation.
- The Data Summary (p. 23) was reviewed. It was determined that two different Data Summary sheets existed (variances from the 1995 Project Plan submission and sometime thereafter). Variances were specifically in regard to the commercial and residential height limits (4 levels, vs. 3 levels for residential on the 1996 Data Summary). It is unclear at this point which Data Summary is the accurate one.

Su **guess who called?**
Da 8/12/2004 10:57:57 AM Eastern Daylight Time
Frc shileyk@mail.nih.gov
To smithc@efdb.nci.nih.gov, synergiesinc@aol.com, jackman@wtplaw.com
Fili **petition.DOC** (25600 bytes) DL Time (TCP/IP): < 1 minute
Sent from the Internet (Details)

good morning,
gary has called bright and early (0930)... i told him i was unable to talk at the moment, could i please call him back? he said just to called kim ambrose. the firehouse is available on the 26th. i've been looking over the site plan review of 1998 regarding phase 1....wynn was the staff planner. she recommends adjustment to the Project plan. one in particular is replacing 1/2 of the multifamily units with 2/2 units. We should look at this more closely too, i feel.
please look over the Petition and let me know what next.
thanks kim <<petition.DOC>>

Su **Meeting**
Da 8/12/2004 12:46:55 PM Eastern Daylight Time
Frc smithc@efdb.nci.nih.gov
To shileyk@mail.nih.gov, Synergiesinc@aol.com
Fil **Meeting (3096 bytes) DL Time (TCP/IP): < 1 minute**
Sent from the Internet ([Details](#))

Excellent job last night ladies. I feel like we accomplished alot. What I was impressed with was how confident the group was in our abilities to be the "front men" They are all so supportive...well almost. I think we might have one trouble spot but we can handle Dennis. Can you both receive excel spreadsheets? I attached the latest list of names for your reference. I can't find the list that identified the original 14 selected to be the committee. Do you have it Kim? I have the sign in sheet from last night but there are extra people on that list.

Carol Leigh Smith
EFDB/NCI/NIH
301-435-5215

Su **petition & presentation**
Da 8/12/2004 12:55:03 PM Eastern Daylight Time
Frc smithc@efdb.nci.nih.gov
To Synergiesinc@aol.com, shileyk@mail.nih.gov
CC jjackman@wtplaw.com, jersub13@yahoo.com
Sent from the Internet (Details)

Hi All

I think we can get a lot done via email to prepare for the presentation. I think it is safe to say that from the meeting last night we can break down to the smaller group appointed to speak including Jenn and Joel and get the information down that we discussed last night. Let's work on getting our points clear on a document. We can turn that into a powerpoint presentation or an agenda or just notes if we like. We can then submit that to the 14 on the committee for review.

What do you think?

Carol

I also made a suggestion on the petition and gave that to Kim. I think we need to mention that the size of the retail was reduced to 46.8% of the proposed possible retail/office space. It can fit in with the sentence about the retail parcel being moved and where it goes on to mention the size of the 58,000 sq. ft. grocery store.

-----Original Message-----

From: Synergiesinc@aol.com [mailto:Synergiesinc@aol.com]
Sent: Thursday, August 12, 2004 12:44 PM
To: Shiley, Kimberly (NIH/NCI)
Cc: Smith, Carol Leigh (NIH/NCI); jjackman@wtplaw.com
Subject: Re: guess who called?

laughing about the Gary call..

Attached are my revisions (in red) to the Petition. I think it's a good letter and about as concise as we can make it. I say "cut it, print it"?

Have a few major project issues of my own to get through today, but plan to begin on the "presentation" outline tomorrow. In the interim, let me know if there is anything else that I can do.

Should we schedule a meeting to pre-review the presentation? Maybe Tues/Wed next week?

Best,
Amy

Su **RE: guess who called?**
Da 8/12/2004 1:26:45 PM Eastern Daylight Time
Frc shileyk@mail.nih.gov
To Synergiesinc@aol.com
Sent from the Internet (Details)

Ok, I'll incorporate those changes.

I didn't jot down the points/dialogue I am to present to kim ambrose last night. Could I run through those with you, amy, before I call her? I will call P&P right now to find out what time of evening is best for them (hopefully 1700 that's 5pm).

Thanks,
Kim

Su **RE: guess who called?**
Da 8/12/2004 1:51:33 PM Eastern Daylight Time
Frc shileyk@mail.nih.gov
To Synergiesinc@aol.com
CC smithc@efdb.nci.nih.gov, jackman@wtplaw.com
Sent from the Internet (Details)

Okay, I've made all revisions provided. One last read through, please. Carol, please forward to Joel I have next Tues off from work, so I can be available anytime.

Many, many, many thanks again to you all for being great neighbors and friends ☺
kim

Su **RE: petition & presentation**
Da 8/12/2004 2:01:13 PM Eastern Daylight Time
Frc shileyk@mail.nih.gov
To smithc@efdb.nci.nih.gov, Synergiesinc@aol.com
CC jackman@wtplaw.com, iersub13@yahoo.com
Sent from the Internet (Details)

Jeff Lunenfeld, Amy Presley, Susan Frimond, Dennis Learner, Ken Bullough, Niren and Jaya Nadga, Jerry and Regie Barbour, Randy DeFrehn, Lynn Fantle, Jennifer Jackman, Carol Smith, Kim Shiley, Carolyn McAllister, Tim DeArros

New ones last night: Mark Murphy and Joel Richardson (?) and I think Jeff's wife, Cari was there
So, that's 19 total

Su **RE: guess who called?**
Da 8/12/2004 2:02:49 PM Eastern Daylight Time
Frc shileyk@mail.nih.gov
To shileyk@mail.nih.gov, Synergiesinc@aol.com
CC smithc@efdb.nci.nih.gov, jackman@wtplaw.com
Fili **petition.DOC** (30720 bytes) DL Time (TCP/IP): < 1 minute
Sent from the Internet (Details)

Okay, here's the attachment (sorry)

(Sent August 16, 2004)

The Honorable Derick Berlage
Chairman
Montgomery County Planning Board 8787
Georgia Avenue Silver Spring,
Maryland 20910

Re: Proposed Changes to Project Plan for Clarksburg Town Center

Dear Mr. Berlage:

As Co-Chairs of the Clarksburg Town Center (CTC) Advisory Committee, we are writing as the collective voice of the community to express our strong opposition to the deviations (as contained within the Site Plan proposed by the developer, Newland Communities) from the approved Project Plan #9-94004. These deviations concern the commercial and other sections of the development as reflected in the Site Plan presented by Newland Communities during the July 27, 2004 meeting with CTC residents.

As proposed by the original applicants, Clarksburg Town Center Venture, and approved by the Planning Board, Clarksburg Town Center is a neo-traditional community reflecting the "New Urbanism" school of community planning and design. Accordingly, it is designed and intended to provide a unique pedestrian-oriented neighborhood that allows residents to walk to the recreational, retail, civic and other facilities dictated in the Master and Project Plans previously approved by the Board. Specifically, the Town Square was designed and intended to serve as the focus of public life, with retail and commercial establishments located on the East side of the development's Main Street and Town Square. The Master Plan also gave careful consideration to protecting the character of Clarksburg's Historical District, the Gateway to the Town Square.

Clarksburg Town Center is in the RMX-2 Zone, which allows for both "standard" and "optional" methods of development. Under the "standard" method, office and retail uses are not allowed at all. Accordingly, the developer submitted and the Board approved an "optional" method of development that allowed for high-density residential units mixed with commercial uses if in accordance with the guidelines of the Master Plan, and that explicitly required certain public amenities and facilities. It appears that the developer thus could not have gotten approval for this high-density residential project without including in its application the community-oriented and pedestrian-friendly plans for the Town Center's retail and commercial development that the Commission ultimately approved.

Newland Communities (who purchased the development from Terrabrook late last year) is now proposing a radical change to the retail and commercial areas of the Town Center. Under this proposal, the retail and commercial establishments to be located along Main Street and the Town Square will be replaced with four-story condominium buildings and other multi-family residential units, thus increasing the residential density of what is already a high-density development. The retail and office square footage has been reduced by 53.2% of the approved square footage and the proposed plan consists of a huge square parking lot bordered by a 58,800-square foot grocery superstore (reportedly Giant) with retail establishments adjoining on each side, a proposed drive-thru bank, one freestanding restaurant and a combination office/retail building located along the south side of the parking lot.

Although its configuration is in the shape of a square, Newland Communities' proposed change is the very antithesis of the "Town Square" concept that is a defining characteristic of neo-traditional communities, and that was at the heart of the Clarksburg Town Center plan that the Board approved. It simply replaces the pedestrian-friendly, community-oriented Town Center concept with a regional strip mall, but with one important difference—Newland Communities' proposed regional strip mall will be located in the heart of a high-density residential community. Indeed, one of the two principal

thoroughfares for automobile ingress to and egress from the shopping center will be through and/or adjacent to the Town Square, departing even further from the pedestrian-friendly approach that both the Master and Project Plans define as the main characteristic of Clarksburg Town Center.

As you can well imagine, Newland Communities' proposal is inconsistent with the Planning Board's Master Plan and subsequent Project Plan and is not reflective of the community marketed by the builders of CTC nor is it in keeping with the concept that was solicited at the Visitor's Center when my neighbors and I were making our decisions to purchase homes in Clarksburg Town Center. Many others in the vicinity of CTC are opposed to Newland Communities' proposed changes as well. At the July 27, 2004 meeting with Newland Communities to discuss their proposal, the room was filled to capacity with concerned Clarksburg residents from the Town Center and from the general community, while additional concerned residents stood in the hall. The following week, a meeting held by residents of CTC regarding the same issue attracted over 100 residents and the CTC Advisory Committee was established to address these issues. The Clarksburg Civic Association, which has been instrumental in the planning and implementation process for Clarksburg Town Center for over a decade is also opposed to Newland Communities' deviation from the Project and Master Plans.

Based on these issues, we respectfully request that the Board not approve Newland Communities' proposed site plan, and require Newland Communities to abide by the original terms of the Project Plan. We would ask that the Board not take any action on the proposed site plan, requests for amendments, or requests for zoning variances pertaining to a reduction in the RDT Zones until it has studied the proposal thoroughly and received the input of the residents of the Clarksburg Town Center, the Clarksburg Civic Association and all other interested parties. Thank you for your consideration.

Sincerely,

Kimberly A. Shiley
Co-chair, CTC Advisory Committee

Carol L. Smith
Co-chair, CTC Advisory Committee

cc: Sue Edwards, Team Leader I270 Corridor Area, M-NCPPC
John Carter, Chief, Community Based Planning Division, M-NCPPC
Wynn Witthans, Development Review, Planning Department, M-NCPPC
Clarksburg Civic Association
Clarksburg Historical Society
Doug Duncan, County Executive, Montgomery County
Kathy Matthews, Director of Upcounty Regional Services
Nancy Hislop, Assistant Director of Upcounty Regional Services
Mike Knapp, County Council, Montgomery County
Brian Long, Aide to Council Member Mike Knapp
Kimberly Ambrose, Vice President of Operations, Newland Communities
Taylor Chess, Vice President Investments, Regency Centers
Susan Singer-Bart, The Gazette

Sent: Monday, August 16, 2004 6:34 PM

To: shileyk@mail.nih.gov

Cc: smithc@efdb.nci.nih.gov; nnagde@ENERGENconsulting.com; murfs@comcast.net; barbourjr@att.net; bull30@comcast.net; timdearros@comcast.net; rdefrehn@nccmp.org; Lfantle@aol.com; susan@mris.com; jjackman@wtplaw.com; dennis@dlearner.com; cariandjeff1@comcast.net; carolmca@yahoo.com; jersub13@yahoo.com

Subject: 8-26 Meeting Agenda

Hi, Kim and all -

Attached is the draft of the meeting agenda for next week. As Kim mentioned prior, it is important to keep this simple, without deviating from our two key points (i.e. compliance with master plan/project plan requirements; compliance with "New Urban Development" concept as marketed and sold). I will put together our few "presentation" sheets tomorrow, but will keep them simple as merely a support of the topics outlined in the agenda. I intend to include main points regarding compliance and certain quotes pulled from our key supporting documents.

I believe we have plenty of material and a very strong position going into this. My expectation is that we make a very strong and clean presentation to them; support our views during their argumentation (using material from our paperwork arsenal!); and end the meeting with agreement as to action items -- i.e. require them to re-submit revised proposal(s) in keeping with the master/project plans. (If we are pushed to describe what we do want, we also have the benefit of the Brett Reilly slide show!)

All agreed? Or alternate suggestions? Comments welcome.

Thanks,
Amy

Su **RE: 8-26 Meeting Agenda**
Da 8/17/2004 8:24:41 AM Eastern Daylight Time
Frc smithc@efdb.nci.nih.gov
To Synergiesinc@aol.com, shileyk@mail.nih.gov
CC nnagde@ENERGENconsulting.com, murfs@comcast.net, barbourjr@att.net, bull30@comcast.net, timdearros@comcast.net, rdefrehn@nccmp.org, Lfantle@aol.com, susan@mris.com, jjackman@wtplaw.com, dennis@dlearner.com, cariandjeff1@comcast.net, carolmca@yahoo.com, jersub13@yahoo.com

Sent from the Internet (Details)

Hi Everyone

If you have any information with marketing that supports our claim that we were told the town center would be neotraditional and would have the look/feel of Kentlands or another town center retail area, please let Amy, Kim or I know. We have collected newspaper articles, handout information from the visitor center and builders, newsletters from Terrabrook, etc. that support our claim that the town center was going to look very different than what we saw in Newlands presentation on July 27.

Thanks
Carol

Su **Petition**
Da 8/17/2004 8:50:24 AM Eastern Daylight Time
Frc smithc@efdb.nci.nih.gov
To Josh.Bokee@montgomerycountymd.gov
CC shileyk@mail.nih.gov, Synergiesinc@aol.com
File **petition.doc** (83456 bytes) DL Time (TCP/IP): < 1 minute
Sent from the Internet (Details)

Hi Josh

Attached is the letter that was mailed yesterday to the Chair, Vice Chair and three commissioners at the Department of Park & Planning. There are a number of people that were copied on this letter at the bottom including Mike Knapp and Brian Long. The letter was written by the Clarksburg Town Center Advisory Committee, a group formed out of the 100 plus people and growing who have continued to support our effort to see the Clarksburg Town Center developed as was designed in the Master Plan and Project Plan.

We appreciate that you will be attending the meeting on August 26 at 5:00 at the Hyattstown Fire Dept. We look forward to working with Newland Communities to see the Clarksburg Town Center become the community we invested in.

Carol Leigh Smith
301-435-5215

Su **Clarksburg Town Center**
Da 8/17/2004 9:08:03 AM Eastern Daylight Time
Frc smithc@efdb.nci.nih.gov
To catherine.matthews@montgomerycountymd.gov, nancy.hislop@montgomerycountymd.gov
CC Synergiesinc@aol.com, shileyk@mail.nih.gov

Sent from the Internet (Details)

Hi Catherine and Nancy,

First let me apologize Catherine for misspelling your name in a letter that was sent to the Department of Park and Planning yesterday objecting to the changes to the master plan for the Clarksburg Town Center. You were copied and should receive the letter this week. The cc at the bottom has your name spelled with a K instead of a C. The letter was written by the Clarksburg Town Center Advisory Committee, a group formed out of the 100 plus people and growing who have continued to support our effort to see the Clarksburg Town Center developed as was designed in the Master Plan and Project Plan.

We wanted to make sure you know the date and time of the meeting with Newland Communities and the Clarksburg Town Center Advisory Committee. The meeting will be held on August 26, 2004 at 5:00 at the Hyattstown Fire Dept on Rt. 355. We look forward to working with Newland Communities to see the Clarksburg Town Center become the community we invested in. We hope you can attend.

Carol Leigh Smith
301-435-5215

Su **RE: Clarksburg Town Center**
Da 8/17/2004 9:38:33 AM Eastern Daylight Time
Frc Catherine.Matthews@montgomerycountymd.gov
To smithc@efdb.nci.nih.gov
CC Synergiesinc@aol.com, shileyk@mail.nih.gov, Nancy.Hislop@montgomerycountymd.gov

Sent from the Internet (Details)

Carol,

Thank you for keeping me informed. Although I have not yet seen all of the changes proposed nor discussed them with our planning staff, I do hope that the original theme of the town center is maintained; one that promotes safe pedestrian activity, retail, eateries, the public library, park space, etc. I plan to see you at the August 26th meeting.

Catherine Matthews

Director

Upcounty Regional Services Center
12900 Middlebrook Road, Suite 1000
Germantown MD 20874
240-777-8000 /240-777-8002 TDD

NEW catherine.matthews@montgomerycountymd.gov

...bringing the County closer to you!

Su **RE: Clarksburg Town Center**
Da 8/17/2004 9:43:29 AM Eastern Daylight Time
Frc smithc@efdb.nci.nih.gov
To Catherine.Matthews@montgomerycountymd.gov
CC Synergiesinc@aol.com, shileyk@mail.nih.gov

Sent from the Internet (Details)

I look forward to meeting you. Our community is strong and I am proud to be living in the Clarksburg Town Center with so many wonderful neighbors. It is amazing how involved my neighbors have become with organizing a committee to make sure the original theme of the town center as you stated is maintained. It is our goal.

See you on the 26th

Carol Smith

Su **RE: Clarksburg Town Center**
Da 8/17/2004 9:44:19 AM Eastern Daylight Time
Frc smithc@efdb.nci.nih.gov
To Nancy.Hislop@montgomerycountymd.gov
CC Synergiesinc@aol.com, shileyk@mail.nih.gov

Sent from the Internet (Details)

Nancy,

Our committee looks forward to meeting you as well. Thank you in advance for attending.

Carol

-----Original Message-----

From: Hislop, Nancy [mailto:Nancy.Hislop@montgomerycountymd.gov]

Sent: Tuesday, August 17, 2004 9:40 AM

To: Smith, Carol Leigh (NIH/NCI)

Subject: RE: Clarksburg Town Center

Carol:

Both Catherine and I plan to attend the meeting. There will also be representatives from the Department of Public Libraries and, of course, Park and Planning. I look forward to meeting you next week.

Regards,
Nancy Hislop

Su **names**
Da 8/24/2004 5:35:22 PM Eastern Daylight Time
Frc smithc@efdb.nci.nih.gov
To synergiesinc@aol.com, shileyk@mail.nih.gov, jersub13@yahoo.com, JJackman@wtplaw.com
Sent from the Internet (Details)

Hi

I just added about 60 more names to the list from the Montgomery County Tax Records. I put their names on the spreadsheet in blue until we can contact them and officially say they are on board. After Thursday I suppose we should compose some kind of informational summary to mail out to all the homeowners to bring them up to date and get their buy in. I'd like to see strength in numbers but we have to be careful we don't say something to create a difference of opinion on all the small stuff if you know what I mean...like Giant vs. this or that. The point is to let the community know we are fighting for them and if they would like to contact us they can. Esp. if it is to help.

Carol Leigh Smith
301-435-5215

Su **CCA**
Da 8/25/2004 9:02:10 AM Eastern Daylight Time
Frc smithc@efdb.nci.nih.gov
To synergiesinc@aol.com, shileyk@mail.nih.gov
Sent from the Internet (Details)

Hi Ladies

Kathie Hullie will be at the meeting on Thursday. The CCA objects to the Condos in the Town Center area and expects the town center to be built according to the master plan. She is coming to show support for our group.

Carol Leigh Smith
301-435-5215

Su **RE: CCA**
Da 8/25/2004 9:36:45 AM Eastern Daylight Time
Frc shileyk@mail.nih.gov
To smithc@efdb.nci.nih.gov
CC Synergiesinc@aol.com
Sent from the Internet (Details)

Greetings ☺

Well, they can always put them on the north-west side according to the project plan or any other site designated as multi-family (south of the retail area); however, I would protest anything greater than 3 stories. That's why we need to know about the height limits. The master plan calls for high density units to be located near the retail center to fulfill urban design elements. Seeing as the RMX-2 zone is all we have (and in a 1 mile radius) for building purposes; I believe the entire community fulfills that requirement; guess we'll see what P&P (john) thinks. I'm not so sure about the Regency contract falling through right now; sounds to me it has the potential to.
ciao